

AMENDED IN ASSEMBLY AUGUST 20, 2014

AMENDED IN ASSEMBLY JUNE 26, 2014

AMENDED IN SENATE MAY 7, 2014

AMENDED IN SENATE APRIL 8, 2014

SENATE BILL

No. 949

Introduced by Senator Jackson

February 6, 2014

An act to add ~~Article 4 (commencing with Section 104670) to Chapter 2 of Part 3 of Division 103 of the Health and Safety and repeal Article 23.5 (commencing with Section 8490) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, relating to nutrition~~ after school programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 949, as amended, Jackson. ~~Nutrition~~: After school programs: Distinguished After School Health Recognition Program.

Existing law, the Child Care and Development Services Act, provides, among other things, a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. Existing law also provides for the licensure and regulation of various types of child care facilities, including day care centers, by the State Department of Social Services.

This bill, *until January 1, 2018*, would establish the Distinguished After School Health (DASH) Recognition Program, to be administered by the State Department of Public Health, in consultation with the State Department of Education. The bill would require the department to

develop a process, administered on the department's Internet Web site, whereby an after school program, as defined, may be recognized as meeting prescribed requirements, including ~~staff training~~ *staff* on healthy eating and physical activity, providing healthy food and drinks to ~~participants~~, *program attendees*, and providing ~~participants~~ *program attendees* with physical activity and limited screen time, *as defined*. The bill would require the department to include in the process on the Internet Web site an option to create a certificate, using a template designed by the department, that includes specified information, including *a document, signed by the after school program director, demonstrating the manner in which the after school program meets the above requirements*. The *bill would provide that the* certificate would be valid for one year and ~~this bill~~ would require the department to post a list of after school programs that have qualified on its Internet Web site. *The bill would provide that funding for the DASH Recognition Program is subject to an appropriation being made for these purposes in the annual Budget Act or another statute, or the receipt of funding from nonstate sources.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Distinguished After School Health Recognition Program.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) Childhood obesity poses a serious threat to the children of
- 5 our state and to their future.
- 6 (b) According to the American Heart Association, 23.9 million
- 7 children in America who are 2 to 19 years of age, inclusive, are
- 8 overweight or obese and, of these children, more than one-half,
- 9 12.7 million, are obese.
- 10 (c) In California one out of three children is obese or overweight.
- 11 (d) The medical and workforce consequences of childhood
- 12 obesity also threaten the fiscal viability of our health care system
- 13 and our economy if not addressed. California costs attributable to
- 14 physical inactivity, obesity, and overweight in 2011 were estimated
- 15 at \$52.7 billion.
- 16 (e) The after school provider community has the reach and
- 17 opportunity to provide a healthy after school experience to over

1 1,500,000 children in the out-of-school time period. These numbers
2 include 4,400 publicly funded after school programs in California,
3 including After School Education and Safety Program (ASES) and
4 21st Century Community Learning Centers (CCLC) programs that
5 serve over 450,000 low-income ~~students~~ *pupils* (K-12th grade)
6 statewide, public and nonprofit after school programs, and 600,000
7 schoolage children in licensed childcare settings.

8 SEC. 3. Article ~~4~~ 23.5 (commencing with Section ~~104670~~)
9 8490) is added to Chapter 2 of Part ~~3~~ 6 of Division ~~103~~ 1 of Title
10 1 of the ~~Health and Safety~~ *Education* Code, to read:

11
12 Article ~~4~~ 23.5. Distinguished After School Health Recognition
13 Program
14

15 ~~104670.~~

16 8490. The Distinguished After School Health Recognition
17 Program is hereby established, to be administered by the ~~State~~
18 ~~Department of Public Health, in consultation with the State~~
19 ~~Department of Education, as appropriate.~~ *department.*

20 ~~104671.~~

21 8490.1. For purposes of this article, the following definitions
22 shall apply:

23 (a) "After school program" means After School Education and
24 Safety Program (ASES), 21st Century High School After School
25 Safety and Enrichment for Teens (High School ASSETs) program,
26 and other qualified out-of-school time programs that serve
27 schoolage children outside of regular school hours, including before
28 school and on weekends.

29 (b) "DASH recognition program" means the Distinguished After
30 School Health Recognition Program enacted pursuant to this article.

31 (c) "Program attendee" means a person enrolled in an after
32 school program.

33 (d) "Screen time" means time spent viewing or working on
34 television, videos, computers, and hand-held devices, with or
35 without Internet access.

36 ~~104672.~~

37 8490.2. The department shall develop a process, to be
38 administered on its Internet Web site, for an after school program
39 to be recognized as an after school program that meets the
40 requirements of this article and shall include all resources and links

1 that an after school program may use to meet the requirements of
2 this article.

3 ~~104673.~~

4 8490.3. The process required by Section ~~104672~~ 8490.2 shall
5 provide an after school program with the option to create a
6 certificate, using a template designed by the department, that
7 includes a ~~description~~ *document, signed by the after school*
8 *program director*, demonstrating the manner in which the after
9 school program ~~meets~~, *meets* each of the following:

10 (a) Each staff member of the after school program has received
11 training on the standards of this article and the importance of
12 modeling healthy eating and physical activity. Training shall be
13 in accordance with the YMCA of the USA, the Center for
14 Collaborative Solutions, A World Fit For Kids!, the National
15 Institute on Out-of-School Time, or other similar programs.

16 (b) The after school program provides regular and ongoing
17 nutrition education to each program attendee to help the program
18 attendee develop and practice healthy habits.

19 (c) The after school program ensures that each program attendee
20 participates, on a daily basis, in an average of 30 to 60 minutes of
21 moderate to vigorous physical activity, consistent with Guidelines
22 7 and 8 of the ~~California Department of Education's~~ *department's*
23 California After School Physical Activity Guidelines, while the
24 after school program is in session.

25 (d) Screen time is limited during the operational hours of the
26 after school program and is only allowed in connection with
27 homework or an activity that engages program attendees in a
28 physical activity or educational experience, consistent with the
29 California After School Physical Activity Guidelines.

30 (e) Healthy foods, including, but not limited to, fruits or
31 vegetables, without added sugar, ~~shall be~~ *are* served to program
32 attendees as snacks on a daily basis. Fried foods, candy, or foods
33 that are primarily sugar-based, high in sodium, or include trans fat
34 ~~shall not be~~ *are not* served to program attendees or consumed by
35 staff during the *after school* program's hours of operation. Snacks
36 or meals provided pursuant to the After School Education and
37 Safety Program (ASES), the 21st Century High School After
38 School Safety and Enrichment for Teens (High School ASSETs)
39 program, and the Child and Adult Care Food Program (CACFP)
40 meal guidelines ~~shall be~~ *are* deemed to meet this standard.

(f) Program attendees ~~shall be~~ *are* served water, low-fat or nonfat milk, *nonfat flavored milk*, or 100 percent fruit juice. A preference shall be given for water. Safe and clean drinking water ~~shall be~~ *is* available and accessible at all times to program attendees and staff. Milk and fruit juices ~~shall not be~~ *are not* served in quantities exceeding eight ounces per day. Sugar-sweetened beverages ~~shall not be~~ *are not* served to program attendees and staff of the after school program ~~shall do not~~ consume sugar-sweetened beverages at the *after school* program site.

(g) If the after school program is conducting a fundraiser during *after school* program hours, all of the following shall apply:

(1) Items sold shall be in compliance with the requirements specified in subdivisions (e) and (f).

(2) Sales shall be in compliance with the USDA Competitive Food Sales regulations.

(3) Sales shall not be scheduled during snack or meal service.

(h) If the after school program is located on a ~~school site~~, *schoolsite*, the after school program communicates with the school regarding nutrition education and physical activity, as appropriate, to provide the program attendees with a complete educational experience. All activities shall also adhere to the school district's wellness policy.

(i) The after school program has implemented an educational program for parents of program attendees that provides the parents with nutrition and physical activity information relevant to the *after school* program and the health of their children.

(j) Information about the implementation of the requirements listed in subdivisions (a) to ~~(j)~~, *(i)*, inclusive, is available for review by a parent at both the physical location of the after school program and on the after school program's Internet Web site, if there is one. *The after school program also maintains in its records a document signed by all parents acknowledging that they are aware of the DASH recognition program requirements and policies to institute and reinforce these specific healthy behaviors for all children served in the after school program.*

~~104674.~~

8490.4. A certificate issued under this article shall be valid for one calendar year. An after school program that wishes to create a new certificate for the subsequent year shall, by January 1 of that year, verify with the department, pursuant to Section ~~104672~~,

1 8490.2, that the *after school* program continues to follow the DASH
2 recognition program criteria pursuant to Section ~~104673~~. 8490.3.
3 ~~104675~~.

4 8490.5. The department shall maintain and update a list of after
5 school programs that qualify under the provisions of this article
6 and shall post that list on its Internet Web site, including the date
7 of qualification for each after school program.

8 8490.6. *Funding for the recognition program established*
9 *pursuant to this article is subject to an appropriation being made*
10 *for purposes of this article in the annual Budget Act or another*
11 *statute, or the receipt of funding from nonstate sources.*

12 8490.7. *This article shall remain in effect only until January*
13 *1, 2018, and as of that date is repealed, unless a later enacted*
14 *statute, that is enacted before January 1, 2018, deletes or extends*
15 *that date.*